



Attorney Docket No.: PATENT  
AVALUC-01701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis Bouchard

Serial No.: 09/697,113

Filed: October 25, 2000

For: **INSTANT MESSAGE  
NOTIFICATION  
APPLICATION**

) Art Unit: 2143  
) Examiner: Dennison, Jerry  
) **REQUEST FOR A THREE MONTH  
EXTENSION OF TIME**  
)  
) 162 North Wolfe Road  
) Sunnyvale, CA 94086  
) (408)530-9700  
)  
) Customer Number 28960

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for a three month extension of time to answer the outstanding Office Action mailed October 6, 2004 regarding the above-identified patent application. Please find a check enclosed in the amount of \$1,320.00 (\$340.00 to cover the fee for filing a notice of appeal, per 37 C.F.R. § 1.17(b) plus \$980.00 to cover the three month extension of time).

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 10-15-04

By: Thomas B. Haverstock  
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 10-15-04 John D. Rana

10/19/2004 JBA:INAH-00000041 09697113

02 FC:1253

980.00-00

Adjustment date: 01/12/2005 EEKUBAY1  
10/19/2004 JBA:LINAN 00000041 09697113  
02 FC:1253 -980.00 0P

- 1 -

Refund Ref: 01/18/2005 EEKUBAY1 0000141430 HE  
CHECK Refund Total: \$980.00

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PATENT

Attorney Docket No.: AVALUC-01701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit: 2143
Louis Bouchard	)	Examiner: Dennison, Jerry
Serial No.: 09/697,113	)	<b><u>PETITION FOR REFUND OF PAID 3</u></b>
Filed: October 25, 2000	)	<b><u>MONTH EXTENSION OF TIME FEE</u></b>
For: <b>INSTANT MESSAGE</b>	)	<b><u>(37 C.F.R. § 1.181)</u></b>
<b>NOTIFICATION APPLICATION</b>	)	162 North Wolfe Road
	)	Sunnyvale, California 94086
	)	(408) 530-9700
	)	Customer No.: 28960

MS: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for refund of three month extension of time fee for the following reasons:

1. The Office mailed a Final Office Action on April 15, 2004. Within the Final Office Action, a shortened statutory period for reply was set to expire 3 months from the mailing date.
2. Applicant filed an Amendment and Response to Final Office Action on June 15, 2004, which was within the 2 month time frame for receiving an Advisory Action from the Office. Exhibit A includes a copy of the Certificate of Mailing showing the mailing date to be June 15, 2004. Exhibit B includes a copy of the return receipt postcard showing that the Office received the Applicant's Amendment and Response to Final Office Action on June 22, 2004.
3. Applicant received an Advisory Action on October 9, 2004. The Advisory Action was mailed by the Office on October 6, 2004.

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4. The Applicant filed a Notice of Appeal and paid the 3 month extension of time fee, \$980.00, on October 15, 2004.
5. The Applicant requests a refund of the paid 3 month extension of time fee, \$980.00, as it is due to the lack of an Advisory Action from the Office that delayed the reply from the Applicant beyond the 3 month shortened statutory period for reply.

Dated: 10-15-04

By: Thomas B. Haverstock

Thomas B. Haverstock

Reg. No.: 32,571

Attorneys for Applicant

**CERTIFICATE OF MAILING (BY USING 1040)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 10-15-04

John A. Owens



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Serial No.: 09/697,113	H&O File No.: AVALUC-01701	By: TBH
In the Matter of The Application of: Louis Bouchard et al.		By: COB
Date Mailed: June 15, 2004	Due Date: July 15, 2004	

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/> Design Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts)	<input checked="" type="checkbox"/> Transmittal Letter	<input checked="" type="checkbox"/> Duplicate
<input type="checkbox"/> Utility Patent Application _____ Pages	<input type="checkbox"/> Form PTOL-858 (Issue Fee Trans.) & dup.	<input checked="" type="checkbox"/> Certificate of Mailing	
<input type="checkbox"/> Prov. Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1050 (Cert. of Correction)	<input type="checkbox"/> Certificate of Express Mailing	
<input type="checkbox"/> Declaration/Oath	<input type="checkbox"/> Maintenance Fee Transmittal Form	Label No.: _____	
<input type="checkbox"/> Power of Attorney _____	<input type="checkbox"/> Reexamination Request	<input type="checkbox"/> Check(s) \$ _____	
<input type="checkbox"/> Assignment	<input type="checkbox"/> Notice of Appeal	<input checked="" type="checkbox"/> Deposit Account Information Form	
<input type="checkbox"/> Form PTO-1594/1595	<input type="checkbox"/> Affidavit/Declaration		
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Copy of Filing Receipt		
<input type="checkbox"/> Drawings: _____ Sheets(s)	<input type="checkbox"/> Req. for Corr of: _____		
<input type="checkbox"/> <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Request for Non-Publication		
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Rescission of Request for Non-Publication		
<input type="checkbox"/> Form PTO-1449 and Copies of _____			
References Contained Thereon			
<input type="checkbox"/> Information Disclosure Certification			
<input checked="" type="checkbox"/> Amendment/Response			
<input type="checkbox"/> Extension of Time Request: _____ Months(s)			
<input type="checkbox"/> Petition			

FOR PTO USE



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PATENT

Attorney Docket No.: AVALUC-01701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis Bouchard

Serial No.: 09/697,113

Filed: October 25, 2000

For: **INSTANT MESSAGE  
NOTIFICATION APPLICATION**

) Group Art Unit: 2143  
) Examiner: Dennison, Jerry  
) **TRANSMITTAL LETTER**  
)  
) 162 North Wolfe Road  
) Sunnyvale, California 94086  
) (408) 530-9700  
)  
) Customer Number 28960

MS: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition for Refund of Paid 3 Month Extension of Time Fee including Exhibit A and Exhibit B for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: October 15, 2004

By:

Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

Whereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

10-15-04



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PATENT  
Attorney Docket No.: AVALUC-01701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit: 2143  
Louis Bouchard et al. ) Examiner: Dennison, Jerry  
Serial No.: 09/697,113 ) **TRANSMITTAL LETTER**  
Filed: October 25, 2000 ) 162 North Wolfe Road  
For: **INSTANT MESSAGE** ) Sunnyvale, California 94086  
**NOTIFICATION APPLICATION** ) (408) 530-9700  
Customer Number 28960

MS: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find an Amendment and Response to the Final Office Action mailed on April 15, 2004 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: June 15, 2004

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Attorneys for Applicants

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HAVERSTOCK & OWENS LLP.

Date: 6-15-04 By: [Signature]

IPW DEP & REF  
DIVISION #307

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PATENT

Attorney Docket No.: AVALUC-01701 2004 OCT 22 PM 12:43

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis Bouchard

Serial No.: 09/697,113

Filed: October 25, 2000

For: **INSTANT MESSAGE  
NOTIFICATION APPLICATION**

) Group Art Unit: 2143  
) Examiner: Dennison, Jerry  
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The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: October 15, 2004

By: Thomas B. Haverstock

Thomas B. Haverstock  
Reg. No.: 32,571

CERTIFICATE OF MAILING (37 CFR § 1.6(c))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

10-15-04

*John A. Rocco*

Attorneys for Applicants